

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 2, 1858.—Ordered to be printed.

Mr. YULEE submitted the following

REPORT.

The Committee on Post Offices and Post Roads, to whom was referred the petition of William Moss, praying additional compensation for carrying the mail on route No. 7600, from Washington, in Arkansas, to Clarksville, in Texas, report:

The petitioner alleges that in the general mail lettings in the year 1854, he bid for and became the contractor on route No. 7600, from Washington, in Arkansas, to Clarksville, in Texas, which service was to be performed with two-horse coaches, at the yearly compensation of \$6,200; that said service was thus performed up to about the 1st of January, 1856, when he found, on account of the unsettled condition of the roads and the increase of mail, that it was impossible to perform the service with two-horses, in accordance with the original contract, and that he must either abandon the same or increase his team; the latter he preferred to do, in the hope that he would receive extra compensation therefor, and has since run three horses instead of two.

It appears that application was made by the contractor to the Postmaster General to increase the service to three trips weekly, and also to change the mode of service to four-horse coaches. Both of these, as appears by the letter of the Postmaster General, were refused.

The committee do not deem it advisable to interfere in the case. The Postmaster General is entrusted with a discretion as to the frequency and mode of service required for regularity and security of the mails and the accommodation of the public. The petitioner having contracted to convey the mails over the specified route in two-horse coaches, was only bound to take what two horses were capable of conveying. If it had been made to appear to the Postmaster General that the weight of mail matter was more than could be transported in the mode of conveyance agreed in the contract, undoubtedly he would, as would have been his duty, have provided improved means of conveyance. At all events, it is not deemed advisable to encourage appeals from the Post Office Department to Congress, in matters of current administrative detail, in reference to which the law confides a discretion in the Postmaster General. If the mails were too heavy to be carried by a two-horse coach, and the Postmaster General refused

to increase the service, the course for the contractor was simply to comply with his contract by carrying as much as a two-horse coach would convey, and not to undertake, in defiance of the department, to change the mode of service.

The committee do not regard this to be a proper case for relief, and therefore recommend the following resolution :

Resolved, That the prayer of William Moss ought not to be granted.

POST OFFICE DEPARTMENT, *January 26, 1858.*

SIR: In answer to the petition of Mr. Wm. Moss, referred by you to this department, I have the honor to state that the application for three additional weekly trips on route No. 7600, from Washington, Arkansas, to Clarksville, Texas, at \$6,300 additional per annum, (pro rata,) was not granted by the Postmaster General; and there is no power under the law to change the mode of service from two-horse coaches to four-horse coaches without readvertising the route, which my predecessor did not consider necessary in the case of Mr. Moss. This is the only mode known to the law by which additional compensation can be allowed for a higher grade of service.

It is true, as set forth in the petition, that route No. 7681, from Shreveport, Louisiana, to Washington, Arkansas, was put into operation July 1, 1855, and the mails required to be conveyed in two-horse coaches, three times a week; and route No. 7699, Gaster's Landing to Washington, three times a week, in two-horse coaches, was put into operation July 1, 1856, and improved to six times a week from August 17, 1857; and the service on route No. 7503, from Little Rock to Washington, three times a week, in two-horse coaches, was put into operation on July 1, 1854, and improved to six times a week from April 14, 1857.

The service under these contracts expires on July 1, 1858. The petition is herewith returned. Hoping that the above statement of facts may be satisfactory to the committee, I remain, very respectfully, your obedient servant,

AARON V. BROWN.

Hon. D. L. YULEE,

*Chairman Committee Post Offices and Post Roads,
Senate United States.*